

Message Text

UNCLASSIFIED

PAGE 01 STATE 243855

ORIGIN EB-08

INFO OCT-01 ARA-14 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /038 R

DRAFTED BY EB/AN:ARIMAS/GGRIFFITHS/BA
APPROVED BY EB/OA:AJWHITE
ARA/ECP:DTAHER
CAB:CCOLDREN

-----049039 120819Z /12

R 112106Z OCT 77
FM SECSTATE WASHDC
TO AMEMBASSY MONTEVIDEO

UNCLAS STATE 243855

E.O. 11652: N/A

TAGS: EAIR

SUBJECT: CIVAIR: US LANDING RIGHTS FOR NEW URUGUAYAN
AIRLINE

REF: MONTEVIDEO 4705

1. RE PARA 3 REFTTEL, ACTION OFFICE, CAB IS AWAITING
RECEIPT OF COMPLETED CAB FORM 272 AS INDICATED. FOR
FUTURE FLIGHTS, CLEARANCES MAY BE HANDLED TELEGRAPHICALLY
IF DESIRED. COMMERCIAL CABLE CONTAINING INFORMATION
REQUIRED IN CAB FORM 272 SHOULD BE SENT TO CIVIL AERO-
NAUTICS BOARD, SUPPLEMENTARY SERVICES DIVISION,
WASHINGTON, D.C. WITH PREPAID VOUCHER FOR 30 DOLS TO
COVER RESPONSE.

2. RE PARA 5 REFTTEL, THERE ARE NO FORMS REQUIRED FOR
FILING APPLICATION TO CAB FOR FOREIGN AIR CARRIER PERMIT.
COPY OF APPROPRIATE CAB REGULATIONS RE APPLICATION
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 243855

PROCEEDINGS BEING POUCHED. APPLICATION IS NORMALLY
PREPARED BY AN AVIATION ATTORNEY WHO WOULD BE FAMILIAR
WITH CAB REQUIREMENTS. IT IS THEN SUBMITTED THROUGH
DIPLOMATIC CHANNELS (PREFERABLY IN WASHINGTON). IN
TRANSMITTING APPLICATION TO STATE, THE FOREIGN EMBASSY
WOULD NORMALLY INDICATE THAT AIRLINE CONCERNED IS DESIG-
NATED BY ITS GOVERNMENT TO OPERATE THE DESIRED ROUTE AS

DESCRIBED IN THE RELEVANT BILATERAL AIR TRANSPORT AGREEMENT. IF NO ROUTE RIGHTS EXIST FOR THE PROPOSED SERVICE, IT WOULD BE APPROPRIATE FIRST TO NEGOTIATE THE NEEDED CHANGES AND AMEND THE AGREEMENT ACCORDINGLY.

3. ONCE THE APPLICATION IS RECEIVED, IT WOULD BE CONSIDERED AT A PUBLIC HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE. AT THAT TIME, THERE WOULD BE AN EXAMINATION OF THE AIRLINE'S ABILITY AND FITNESS TO OPERATE THE PROPOSED SERVICE. ALSO, THE AIRLINE WOULD BE CALLED UPON TO DEMONSTRATE THAT IT IS OWNED AND CONTROLLED BY NATIONALS OF ITS COUNTRY OF REGISTRY. DOCUMENTARY EVIDENCE WOULD BE REQUIRED. AFTER THE HEARINGS, THE ADMINISTRATIVE LAW JUDGE WOULD ISSUE HIS RECOMMENDATION, (WHICH IS NOT BINDING). SUBSEQUENTLY, THE FIVE MEMBERS OF THE CAB WOULD DECIDE UPON THE APPLICATION ON BASIS OF THE EVIDENCE ACCEPTED INTO THE DOCKET, AND THE LAW JUDGE'S OPINION. THE CAB'S DECISION IS SUBJECT TO PRESIDENTIAL APPROVAL. IN VIEW OF THE COMPLEXITY OF THE PROCEEDING, IT IS CUSTOMARY FOR THE AIRLINE TO BE REPRESENTED BY AN ATTORNEY.

4. RE PARA 5(2) REFTEL, COPIES OF ID FORM 637-A ARE BEING POUCHED. INSTRUCTIONS AS TO FILING ARE CONTAINED IN THE FORMS.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 243855

5. ON BASIS INFORMATION PROVIDED PARA 6 REFTEL, DEPARTMENT BELIEVES EMBASSY IS CORRECT IN ASSERTING THAT URUGUAYAN PROVISIONS CONCERNING EXEMPTION OF CONSULAR FEES AND INCLUSION OF TRANSPORTATION CHARGES IN BASE FIGURE USED TO CALCULATE EXPORT SUBSIDY WILL CONSTITUTE DISCRIMINATION AGAINST A US FLAG CARRIER AS DEFINED IN THE INTERNATIONAL FAIR COMPETITIVE PRACTICES ACT OF 1974. HOWEVER, DEPT WOULD PREFER TO HAVE EMBASSY ATTEMPT TO QUANTIFY THIS MATTER BEFORE MAKING ANY DECISIONS ON HOW TO APPROACH IT. DEPT COGNIZANT OF DIFFICULTIES INVOLVED IN ATTEMPTING TO PROJECT HOW MUCH THIS WILL COST US FLAG CARRIERS, AND DOES NOT ANTICIPATE EMBASSY WILL BE ABLE TO PROVIDE MUCH BEYOND A ROUGH ORDER OF MAGNITUDE FIGURE. HOWEVER, EVEN THAT WOULD BE HELPFUL.

6. DEPARTMENT WILL CONSIDER URUGUAYAN REQUEST FOR TALKS WHEN REQUEST IS RECEIVED. VANCE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LANDING RIGHTS, AIRLINES
Control Number: n/a
Copy: SINGLE
Sent Date: 11-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE243855
Document Source: CORE
Document Unique ID: 00
Drafter: ARIMAS/GGRIFFITHS/BA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770371-0399
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771073/aaaacknh.tel
Line Count: 111
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 01489e32-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 MONTEVIDEO 4705
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 14-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 964637
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: US LANDING RIGHTS FOR NEW URUGUAYAN AIRLINE
TAGS: EAIR, UY
To: MONTEVIDEO
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/01489e32-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009